

**United States Department of Labor  
Employees' Compensation Appeals Board**

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**PATRICIA G. OTIS, Appellant**

**and**

**U.S. POSTAL SERVICE, POST OFFICE,  
Royal Oak, MI, Employer**

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**Docket No. 02-1722  
Issued: June 14, 2004**

*Appearances:*  
*Patricia G. Otis, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

DAVID S. GERSON, Alternate Member  
WILLIE T.C. THOMAS, Alternate Member  
MICHAEL E. GROOM, Alternate Member

**JURISDICTION**

On June 3, 2002 appellant filed a timely appeal from the Office of Workers' Compensation Programs' merit decision dated April 26, 2002. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3(d)(2), the Board has jurisdiction over the merits of this case.<sup>1</sup>

**ISSUE**

The issue is whether appellant sustained an injury in the performance of duty.

**FACTUAL HISTORY**

On December 10, 2001 appellant, then a 42-year-old mail carrier, filed an occupational disease claim alleging that she developed pain in her lower abdomen and uterus necessitating

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<sup>1</sup> The record on appeal includes evidence that was submitted after the Office issued the April 26, 2002 decision. The Board is precluded from considering evidence that was not before the Office at the time it rendered its final decision. 20 C.F.R. § 501.2(c).

hysterectomy surgery as a result of strenuous work. She first became aware of the injury and its relation to her work on October 15, 2001. The employing establishment indicated on the reverse side of the form that appellant was terminated on November 15, 2001.

On March 19, 2002 the Office requested additional information, including a medical report from the physician who treated her for her hysterectomy, a diagnosis and a medical opinion on the cause. The Office allotted appellant 30 days within which to submit the requested information. In a separate letter of the same date, the Office also requested additional information from the employing establishment. No additional evidence was submitted.

On April 26, 2002 the Office denied appellant's claim finding that fact of injury was not established. The Office found that the initial evidence of file supported that she actually experienced the claimed employment factor; however, the evidence did not establish that a condition was diagnosed in connection with the claimed employment factor.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees' Compensation Act<sup>2</sup> has the burden of establishing the essential elements of his or her claim, including the fact that the individual is an employee of the United States within the meaning of the Act, that the claim was filed within the applicable time limitations of the Act, that an injury was sustained in the performance of duty as alleged and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.<sup>3</sup>

To establish that an injury was sustained in the performance of duty, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.<sup>4</sup> Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.<sup>5</sup>

### **ANALYSIS**

In the instant case, appellant did not provide the factual and medical evidence to establish a *prima facie* claim for a condition arising from the performance of duty. Evidence which

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<sup>2</sup> 5 U.S.C. §§ 8101-8193.

<sup>3</sup> Gary J. Watling, 52 ECAB 278 (2001); Elaine Pendleton, 40 ECAB 1143, 1154 (1989).

<sup>4</sup> Victor J. Woodhams, 41 ECAB 345 (1989).

<sup>5</sup> See Robert G. Morris, 48 ECAB 238 (1996). A physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant. Victor J. Woodhams, *supra* note 4. Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and claimant's specific employment factors. *Id.*

includes a medical report is necessary to establish that the condition for which she claimed she sought treatment was related to her employment. The Office advised appellant in a letter dated March 19, 2002, that it was her responsibility to establish that her hysterectomy occurred as a result of performing her duties as alleged. She did not submit any medical evidence within the allotted time, such as a report by the doctor who treated her. There is no medical evidence which addresses the issue of casual relationship and the Office properly denied appellant's claim for benefits under the Act.

### **CONCLUSION**

The Board finds that appellant failed to establish that she sustained an injury in the performance of duty.

### **ORDER**

**IT IS HEREBY ORDERED THAT** the April 26, 2002 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 14, 2004  
Washington, DC

David S. Gerson  
Alternate Member

Willie T.C. Thomas  
Alternate Member

Michael E. Groom  
Alternate Member